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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,493	02/21/2001	Allan Henrik Suonpera	367.39683X00	6757
20457	7590	12/05/2003	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,493

Applicant(s)

SUONPERA ET AL.

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Piosenka et al (EP000827353A2).

With respect to claims 6 and 10, Piosenka discloses a method and computer program of transferring personalized information from one hand portable phone having a memory means for storing said personalized information to a computer on which a data transfer application is running (see column 7 and lines 39-44), comprising:

Establishing a connection between said first hand portable phone and said computer (see figure 1),

Controlling the data transfer application on the computer to read said personalized information, such as phone books, from said first memory means for storing said personalized information in said first hand portable phone to memory means associated with said data transfer application in the computer and allow user to individually select the type of personalized information to be corrected or updated prior to further transferring (see figure 5 - 7, column 8 and lines 36-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3,5,7,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (EP000827353A2) in view of Bernd et al (GB2313519).

With respect to claims 1 and 7, Piosenka discloses a method and program product of transferring personalized information from one hand portable phone having a memory means for storing said personalized information to a computer on which a data transfer application is running (see column 7 and lines 39-44), comprising:

Establishing a connection between said first hand portable phone and said computer (see figure 1),

Controlling the data transfer application on the computer to read said personalized information, such as phone books, from said first memory means for storing said personalized information in said first hand portable phone to memory means associated with said data transfer application in the computer and allow user to individually select the type of personalized information to be corrected or updated prior to further transferring (see figure 5 - 7, column 8 and lines 36-52);

Piosenka doesn't disclose a second hand portable in which connect to the computer in order to receive the personalized information that has downloaded from the first portable phone.

Bernd discloses a radio communication system in which comprises a first radio unit, a second radio unit and a computer such that the first radio unit is able to transfer data information from a first memory means for storing data to a second memory means for storing data of the second radio unit via a middle person, the computer (see figure 3, see page 4 and lines 6-34).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teach of Bernd with Piosenka's system and device such that a user is able to save or transfer important personal information from one radio unit to a intermediate or second radio unit for modification, storage, and upgrade.

With respect to claim 2, Piosenka further discloses that the personalized information includes phone numbers, message content, profile setting, and cell setting and service settings (see column 1 and lines 10-15, column 2 and lines 5-10).

With respect to claim 3, Piosenka further discloses that the established connection between the computer and phone is a wire-based data connection (see column 7 and lines 24-38).

With respect to claim 5 and 9, Piosenka further discloses that the user is allowed to individually select the type of personalized information to be read from the first memory means prior to the initializing of the data transfer (see column 8 and lines 36-53).

5. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (EP000827353A2) and Bernd et al (GB2313519) as applied to claim 1 above, and further in view of Ishigami (US006625445B1).

Combination of Piosenka and Bernd discloses an analogous system as recited in claim 1. Combination of Piosenka and Bernd doesn't teach a step of evaluating the capabilities of the phones to receive the data information.

Ishigami discloses that a system that transferring a plurality of data from a computer to a portable phone in which determine whether the portable phone is capable to receive such plurality of data (see column 2 and lines 12-22).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ishigami with the combination of Piosenka and Bernd such that no plurality of data would be transferred until the receiving party is ready and avoid error and overload the receiving party.


Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freadman (US006546262B1) discloses cellular telephone accessory device for a personal computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


Yuwen Pan
November 27, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
12/1/03